S.B.Cr.Misc. IV Bail App. No. 3818/2006
(Kanhiya Lal Vs. State of Rajasthan)

Date of order : 12/09/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. R.K.Charan for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Learned counsel for the petitioner submits that after rejecting the earlier bail application, the trial court has recorded statements of as many as 11 witnesses. I have carefully gone through the statements of witnesses.

It appears that both the Motbirs have turned hostile. The person who alleged to have purchased the Poppy straw from the petitioner i.e. co-accused Vishu Prasad has been released on bail by a Co-ordinate Bench of this Court on 11.9.2006. Learned counsel for the petitioner submits that the case of the present petitioner is on better footing and there is hardly any evidence connecting the petitioner with the commission of crime.

Be that as it may, having regard to the facts and circumstances of the case and the fact that co-accused Vishnu Prasad has been enlarged on bail and the case of the present petitioner is on better footing, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Kanhiya Lal S/o Moti Lal Jaroli be released on bail in FIR No. 114/05 P.S. Gangrar, district

Chittorgarh provided he executes a personal bond for a sum of Rs. 30,000/- with two sound and solvent sureties in the sum of Rs. 15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP